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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,914	03/14/2002	Michael F. Sanchez	43735/244773	2962

29052 7590 06/28/2007
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EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/099,914	Applicant(s) SANCHEZ ET AL.	
	Examiner Arthur Duran	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/26/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Gardenswartz (2002/0004754).

Claims 14, 1, 22, 11, 12, 2, 18: Gardenswartz discloses a method for rewarding consumers for purchasing one or more goods comprising:

registering a consumer as a member of a reward system (Figure 5);

forwarding identification information corresponding to said consumer to at least one partner (Figure 5; Figure 1);

receiving transaction information from said at least one partner, wherein said transaction information comprises at least a portion of said identification information corresponding to said consumer, and wherein said transaction information is generated by said at least one partner during a sale transaction with said at least one consumer (Figure 11; Figure 1);

identifying said consumer (Figure 11; Figure 1);

retrieving a profile associated with said consumer, wherein said profile

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includes a partner segment to which said consumer is assigned (Figure 11; Figure 4a); dynamically generating an offer to said consumer based at least in part upon said profile and said transaction information; and making said offer available to said consumer (Figures 1, 5, 9, 10).

Gardenswartz discloses the above. And, in further regards to claims 11, 12, and 2, Gardenswartz discloses wherein the at least one partner collects transaction information about the at least one consumer's purchase from a point of sale terminal (Figures 1, 5, 8);

a host, in communication with the at least one consumer and the at least one royalty program partner, wherein the host receives the transaction information from the loyalty program partner, wherein the host rewards the consumer for purchasing the one or more goods or services, and wherein the reward is based at least in part upon criteria provided to the host from the at least one loyalty program partner (Figures 10, 8; Paragraph [19, 88, 112]).

Gardenswartz also discloses that the reward may be redeemed by the consumer from the host (112).

Claim 3: Gardenswartz discloses the system of claim 1, wherein said host and said partner are in electrical communication via a communication mechanism selected from the group consisting

of the Internet, a public switch telephone network, and a wireless network (Figure 1).

Claim 4: Gardenswartz discloses the system of claim 1, further comprising a host marketing module, in communication with said host, wherein the host marketing module is operable to present said at least one offer to said at least one consumer (Figure 1; Figure 5).

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Claim 5: Gardenswartz discloses the system of claim 1, wherein said host is operable to generate reports based on said transaction history of said at least one consumer (Figure 2a).

Claim 6, 16: Gardenswartz discloses the system of claim 5, wherein said host is operable to provide said reports to said at least one partner such that criteria received by said host from said at least one partner is at least partially based on said reports, and wherein said criteria is utilized by said host to generate said at least one offer (Figures 2a, 4a, 11).

Claim 7: Gardenswartz discloses the system of claim 1, wherein said host comprises at least one database for storing said transaction history (Figures 1, 2a).

Claim 8: Gardenswartz discloses the system of claim 1, wherein said host comprises at least one automated interface with which said at least one consumer can communicate to view the at least one offer (Figure 1).

Claim 9: Gardenswartz discloses the system of claim 1, wherein said host is operable to identify said at least one consumer based on said transaction information provided by said partner (Figures 1, 2a, 2b).

Claim 10: Gardenswartz discloses the system of claim 9, wherein said host is operable to forward identification information identifying said at least one consumer to said at least one partner, wherein said identification information is forwarded to said at least one partner prior to said at least one consumer purchasing goods or services from said partner (Figures 7, 11, 1). Note in this claim that information on user purchases from a partner A can be used to provide information to partner B where the user has not yet purchased.

Claim 13: Gardenswartz discloses the system of claim 12, wherein said partner is selected from the group consisting of a retailer, consumer packaged goods company, grocery store, and service provider (Figures 2a, 2b, 1).

Claim 15: Gardenswartz discloses the method of claim 14, further comprising storing a consumer purchase history, wherein said consumer purchase history includes transaction information received from each partner with which said consumer transacts (Figures 1, 5, 6).

Claim 17: Gardenswartz discloses the method of claim 16, wherein said step of preparing reports comprises preparing reports in real-time in response to partner requests for said reports ([39]).

Claim 19: Gardenswartz discloses the method of claim 18, wherein the step of retrieving a profile associated with said consumer, comprises retrieving a profile including a partner segment defined by said at least one partner (Figure 4a; 8).

Claim 20: Gardenswartz discloses the method of claim 14, wherein the step of receiving transaction information comprises receiving transaction information generated by said at least one partner during a sale transaction with said at least one consumer based upon a membership card or credit card associated with said host ([38]).

Claim 21: Gardenswartz discloses the method of claim 14, wherein the step of registering said consumer comprises registering said consumer via a registration mechanism selected from the group consisting of an Internet web site, telephone and form (Figure 1; [112]).

Claim 23: Gardenswartz discloses the system of claim 22, wherein said host is operable to dynamically generate at least one offer for said at least one consumer based on demographic information associated with said at least one consumer ([70]).

Claim 24: Gardenswartz discloses the system of claim 22, wherein said host is operable to dynamically generate at least one offer for said at least one consumer based on consumer provided identification information associated with said at least one consumer ([70]).

Claim 25: Gardenswartz discloses the system of claim 22, wherein said host is operable to dynamically generate at least one offer for said at least one consumer based on third party information associated with one of said at least one consumer and said at least one partner, and wherein said third party information is provided by a third party in communication with said host (Figure 1, items 2, 4, 6).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Deaton (5,687,322); Roberts (6,491,110); Goldhaber (5,794,210); Postrel (20040098317) disclose relevant features to the Applicant's claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Arthur Duran
Primary Examiner
2/26/2007